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Attorneys for Defendants
UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING
LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S RESPONSE TO
ORDER SHORTENING TIME TO BRIEF
AND HEAR MOTIONS TO INTERVENE
AND FOR ADVANCE DISCLOSURE OF
QUESTIONS (DKT. 2515)**

1 Uber Technologies, Inc. and Ottomotto LLC (together, “Defendants” or “Uber”)
 2 respectfully respond to the Court’s Order Shortening Time to Brief and Hear Motions to
 3 Intervene and for Advance Disclosure of Questions (Dkt. 2515).

4 Uber does not oppose Mr. Gardner’s motion to intervene for the limited purpose of
 5 bringing his motion. (Dkt. 2511.) Uber also does not oppose an order requiring disclosure of
 6 direct-examination questions in advance to Mr. Gardner. (Dkt. 2512 at 2.) Uber agrees that no
 7 witness should be called upon to invoke the attorney-client privilege in front of the jury, as the
 8 Court has already decided. (Dkt. 2512 at 6 n.3 (citing *Broyles v. Cantor Fitzgerald & Co.*, No.
 9 CV 10-854-JJB-CBW, 2016 WL 7656028, at *2 (M.D. La. Sept. 8, 2016) and *Goldberg v. 401 N.*
 10 *Wabash Venture LLC*, No. 09 C 6455, 2013 WL 1816162, at *4 (N.D. Ill. Apr. 29, 2013); Dkt.
 11 874 at ¶ 9 (granting in part Uber’s MIL # 2); Dkt. 1885 at 4 (granting Uber’s renewed MIL # 2
 12 without prejudice).) Uber does not intend to call Mr. Gardner in its case-in-chief, and thus has no
 13 direct-examination questions to disclose. In any event, Uber does not intend to ask any questions
 14 of Mr. Gardner to which Uber would reasonably expect that invocation of the attorney-client
 15 privilege would be the response.

16 Dated: January 24, 2018

17 BOIES SCHILLER FLEXNER LLP
 18 SUSMAN GODFREY LLP
 19 MORRISON & FOERSTER LLP

20 By: Karen L. Dunn

21 KAREN L. DUNN

22 Attorneys for Defendants
 23 UBER TECHNOLOGIES, INC. AND
 24 OTTOMOTTO LLC
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